

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
Case No. 2:10-CV-3-D**

CARL B. MARSHBURN, III

Plaintiff,

v.

**M/V DIAMOND CITY (O.N. 291370),
her boats, tackle, apparel, furniture,
engines, fishing history and permits,
and appurtenances, etc.,
*in rem,***

and

**MARTIN E. MUNS,
*in personam***

ENTRY OF DEFAULT

This matter is before the Court upon application of the Plaintiff, Carl B. Marshburn, III, and after a careful review of the Court file along with the exhibits attached thereto, the Court finds as follows:

1. This action is to foreclose on preferred mortgage liens of first and second preferred ship mortgages on the vessel "DIAMOND CITY" (O.N. 291370), her boats, tackle, apparel, furniture, engines, fishing history and permits, and appurtenances, etc., granted pursuant to the Maritime Commercial Instruments and Liens Act, specifically 46 U.S.C § 31326; Rule E(9)(b) of the Supplemental Rules for Certain Admiralty and Maritime Claims; and further in accordance with Local Admiralty Rule 214.00 of this Court; all as prayed for in the verified Complaint filed herein on 29 January 2010.

2. The owner of the vessel, Martin E. Muns, of Morehead City, North Carolina, was notified by certified mail on 22 February 2010 of the commencement of this foreclosure action and was sent copies of the Warrant Of Arrest, the Complaint, the Motion For Order Appointing Substitute Custodian, and this Court's Order appointing the Substitute Custodian.

3. Proper notice has been given to all potential lien claimants of the vessel "DIAMOND CITY" as required by the Federal Rules of Civil Procedure and the Local Admiralty Rules.

4. Neither the owner nor anyone else has appeared to claim ownership of the above described vessel, "DIAMOND CITY", Official No. 291370, or to answer the Complaint herein or to assert any lien against the vessel.

5. The legal time for pleading or otherwise defending this action having expired, upon Motion of the Plaintiff, default is entered against all persons claiming an interest in the Vessel and against *in personam* defendant Martin E. Muns.

Dated 7th day of July, 2010.



CLERK OF COURT